

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:09-CR-142-1F
NO. 7:09-CR-142-2F

UNITED STATES OF AMERICA :
 :
 v. :
 :
 ROY L. CREASY, D.C. :
 TAMALA CREASY NEWTON :

PRELIMINARY ORDER OF FORFEITURE

In the Superseding Criminal Indictment in the above action, the United States sought forfeiture of property of the defendants pursuant to 18 U.S.C. §§ 982(a)(7) and 981(a)(1)(C).

The defendant, Roy L. Creasy, pled guilty pursuant to a written plea agreement as to Count 201 contained in the Superseding Criminal Indictment, specifically, 18 U.S.C. § 371, conspiracy to commit health care fraud. The defendant also agreed to forfeit his ownership interests in certain property which facilitated or which was acquired through his illegal activities.

The defendant, Tamala Creasy Newton, pled guilty pursuant to a written plea agreement as to Counts 34, 50, 65, 105, 134, 144, 145, 148, 149, 153, 163, 174, 175, 201, 202, 209, 211, 223 and 225 contained in the Superseding Criminal Indictment, specifically, 18 U.S.C. §§ 371 (conspiracy to commit health care fraud), 1341 (mail fraud) and 1347 (health care fraud).

The defendants also agreed to forfeit their ownership interests in certain property which facilitated or which were

acquired through their illegal activities, to wit:

a) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, easements, and all appurtenances located at 2026 Lynwood Drive, Wilmington, North Carolina, as described in a deed recorded in Book 9907, page 1107 of the New Hanover County Register of Deeds, and titled to Roy L. Creasy, Jr.; and

b) \$3,000,000.00 in U. S. Currency, an amount not currently in the possession of or its whereabouts known to the Government.

After an appropriate hearing as required by Fed. R. Crim. P. 32.2(b)(2), the Court specifically finds that, as the subject property was instrumental to or was proceeds of the criminal offenses, the required nexus between the property to be forfeited and the criminal offenses exists.

Accordingly, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. Based upon the defendants' guilty plea and other information of record and presented by the Government, the subject real property and currency are forfeited to the United States for disposition in accordance with the law.

2. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General directs,

by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

3. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture, as required by Fed. R. Crim. P. 32.2(c).

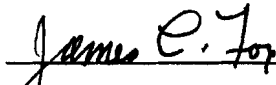
4. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(3), this Order is now final as to the defendants.

5. In addition, that \$3,000,000.00 in U. S. currency be forfeited to the United States, and upon entry of this Preliminary Order of Forfeiture, the Clerk of Court is directed to enter judgment against each of the defendants, jointly and

severally, for that amount of currency forfeited that is,
\$3,000,000.00, said currency to be disposed of in accordance with
law.

SO ORDERED.

This 9th day of September, 2010.

A handwritten signature in cursive script, reading "James C. Fox", is written over a horizontal line.

JAMES C. FOX

Senior United States District Judge